

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adrian Legaspi	Team: Team # 4	CCRB Case #: 201306755	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/19/2013 10:19 PM	Location of Incident: Northeast corner of Hollis Avenue and 203rd Street	Precinct: 103	18 Mo. SOL 1/19/2015	EO SOL 1/19/2015	
Date/Time CV Reported Fri, 07/19/2013 10:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 07/26/2013 9:36 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Errio Paul	03742	907024	103 PCT
2. INS Charles Mcevoy	00000	895710	103 PCT
3. POM Michael Butler	02535	948725	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.INS Charles Mcevoy	Force: Inspector Charles McEvoy pointed his gun at § 87(2)(b) and § 87(2)(b)	
B.DTS Errio Paul	Force: Det. Errio Paul pointed his gun at § 87(2)(b) and § 87(2)(b)	
C.POM Michael Butler	Force: PO Michael Butler struck § 87(2)(b) with a vehicle.	
D.POM Michael Butler	Force: PO Michael Butler used physical force against § 87(2)(b)	
E.DTS Errio Paul	Force: Det. Errio Paul used physical force against § 87(2)(b)	
F.INS Charles Mcevoy	Force: Inspector Charles McEvoy used physical force against § 87(2)(b)	

Case Summary

On July 19, 2013, § 87(2)(b) filed a complaint with IAB on behalf of himself and his friend, § 87(2)(b) (encl.11-12). On July 26, 2013, § 87(2)(b)'s complaint was forwarded to the CCRB (encl.13-14). On July 19, 2013, at approximately 10:00 p.m., in front of 203-05 Hollis Avenue, in Queens, § 87(2)(b) and several other unidentified friends were conversing and waiting to get their hair cut. Inspector Charles McEvoy, Det. Errio Paul, and PO Michael Butler drove by and allegedly observed § 87(2)(b) smoking a marijuana cigarette. PO Butler stopped the vehicle and the officers exited and approached § 87(2)(b). The following allegations resulted:

- **Allegation A – Force:** Inspector Charles McEvoy pointed his gun at § 87(2)(b) and § 87(2)(b).
- **Allegation B – Force:** Det. Errio Paul pointed his gun at § 87(2)(b) and § 87(2)(b).
§ 87(2)(b), § 87(2)(g)
- **Allegation C – Force:** PO Michael Butler struck § 87(2)(b) with a vehicle.
§ 87(2)(b), § 87(2)(g)
- **Allegation D – Force:** PO Michael Butler used physical force against § 87(2)(b).
- **Allegation E – Force:** Det. Errio Paul used physical force against § 87(2)(b).
- **Allegation F – Force:** Inspector Charles McEvoy used physical force against § 87(2)(b).
§ 87(2)(b), § 87(2)(g)

Results of Investigation

Video Footage (encl.8-10)

Video #1

The video is 43 seconds long. § 87(2)(b) is § 87(2)(b). § 87(2)(b) repeats several times, "What are y'all doing?" A blurry image of a white shirted officer, known to the investigation to be Inspector Charles McEvoy, is visible near a vehicle. § 87(2)(b) approaches Inspector McEvoy who turns to face § 87(2)(b) and says, "Please, we are conducting police business, you have to step off." § 87(2)(b) responds by saying, "For what? You said there was a gun, what gun?" Inspector McEvoy enters a SUV, tells § 87(2)(b) to move his car, and begins to drive off. § 87(2)(b) turns the video camera to the license plate of the SUV and says aloud, § 87(2)(b). An unidentified female off camera repeats the plate number.

Video #2

The video is 17 seconds long and is an iphone recording of the video surveillance footage from the bodega on the corner of Hollis Avenue and 203rd Street. At ten seconds § 87(2)(b) can

be seen running towards the camera at the corner. At 12 seconds a white male officer in a white shirt, known to the investigation to be Inspector Charles McEvoy, can be seen following him and his holding his gun by his side. Also visible at 13 seconds is a black male officer in a blue shirt, known to the investigation to be Det. Errio Paul, with his gun drawn and at his side. At the end of the video a black male civilian can be seen walking towards 203rd Street to observe what was going on.

Video #3

Same footage as shown in video #2, but from different angles. Because the quality is low it is unclear what is occurring.

Civilians' Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)

CCRB Statement

§ 87(2)(b) provided a phone statement on July 29, 2013 (encl. 36). § 87(2)(b) was interviewed at the CCRB on August 6, 2013. (encl. 37 - 41) § 87(2)(b)'s statements are consistent and combined below. On July 19, 2013, at approximately 10:00 p.m., § 87(2)(b) was sitting on a bench in front of 203-05 Hollis Avenue, in Queens. The aforementioned address is a barbershop called, "In the Chair." § 87(2)(b) was sitting with his friend § 87(2)(b) an acquaintance name § 87(2)(b) last name unknown, and a barber. § 87(2)(b) did not know the barber's name or contact information. § 87(2)(b) and § 87(2)(b) had been waiting for approximately 20 to 30 minutes to get their haircut.

§ 87(2)(b) was not smoking anything. Nobody near § 87(2)(b) was smoking. § 87(2)(b) had not consumed narcotics on this day. § 87(2)(b) did not observe § 87(2)(b) interact with anyone while outside of the barbershop. While waiting, § 87(2)(b) had been silently looking on his phone.

Suddenly a silver SUV pulled up in front of the barbershop and double parked near another vehicle. The SUV was approximately ten feet away from where § 87(2)(b) and his companions were sitting. PO Michael Butler, identified by the investigation, was the driver of the vehicle. Officers identified by the investigation as, Inspector Charles McEvoy and Det. Errio Paul exited at the same time. Inspector McEvoy was sitting in the front passenger's seat and Det. Paul was sitting in the back passenger's seat. § 87(2)(b) described Det. Paul as a uniformed black male, with a bald head, a solid build, standing 5'11" to 6'0" tall, and in his 40s. § 87(2)(b) described PO Butler as a uniformed white or Hispanic male, in his early 30s, standing 5'11" to 6'0" tall, with a muscular/athletic build. PO Butler remained in the vehicle. § 87(2)(b) described Inspector McEvoy was described as a uniformed white male, wearing a white shirt, in his 40s to 50s, with a clean shaven face, and a thin build.

When Inspector McEvoy and Det. Paul exited the vehicle, they both had their guns drawn and pointed at § 87(2)(b) and his companions. Inspector McEvoy was shouting, "He has a pistol!" At the sight of the drawn guns, § 87(2)(b) began to flinch away in fear. § 87(2)(b) ran westbound on Hollis Avenue towards 203rd Street. Inspector McEvoy shouted, "I will shoot you § 87(2)(b) I will shoot you!" § 87(2)(b) did not stop running, and turned the corner at 203rd Street and Hollis Avenue. § 87(2)(b) continued northbound on 203rd Street. § 87(2)(b) could no longer see him. Inspector McEvoy followed closest after § 87(2)(b) Det. Paul was close behind Inspector McEvoy. Both officers had their guns drawn as they continued after § 87(2)(b) PO

Butler drove westbound on Hollis Avenue towards 203rd Street and turned the corner soon after Inspector McEvoy. This entire incident last less than five seconds.

After several more seconds, § 87(2)(b) walked westbound on Hollis Avenue and looked north on 203rd Street. § 87(2)(b) could see § 87(2)(b) approximately half a block away. The SUV struck § 87(2)(b) in the hip area causing him to roll over the hood. § 87(2)(b) did not see § 87(2)(b) fall on the ground.

§ 87(2)(b) walked back to his vehicle which was parked near the corner of Hollis Avenue and 203rd Street. § 87(2)(b) got into his vehicle and drove westbound along Hollis Avenue trying to find § 87(2)(b). While driving westbound along Hollis Avenue, § 87(2)(b) looked north on 202nd Street and saw the same silver SUV parked diagonally across the street, blocking traffic. § 87(2)(b) decided to drive northbound on 202nd Street to determine if § 87(2)(b) was there. Towards the end of 202nd Street, near 109th Avenue, roughly in front of 12 202nd Street, § 87(2)(b) saw § 87(2)(b) in handcuffs with blood on his face. § 87(2)(b) observed that the right side of § 87(2)(b)'s face was swollen. § 87(2)(b) was being carried to the SUV by Inspector McEvoy, Det. Paul, and PO Butler. § 87(2)(b) could not stand or walk on his feet. § 87(2)(b) did not know at the time why. § 87(2)(b) later saw that § 87(2)(b) had sustained lacerations to the soles of his feet while running from the officers.

Several neighbors came from the surrounding houses and began filming the incident with their phones. § 87(2)(b) did not ask for their name or contact information. § 87(2)(b) did not know which houses they came out of or at what point they emerged to watch the incident. After § 87(2)(b) was placed in the SUV, § 87(2)(b) left the scene in his vehicle.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)

Statements made to medical personnel (encl. Medical Documents Folder)

§ 87(2)(b) sought treatment at § 87(2)(b) Hospital on § 87(2)(b). § 87(2)(b) complained of a "laceration to his forehead and superficial wounds to plantar aspect of both feet." It is also noted that the "Patient reports he ran from the cops with only socks on."

Arrest Photo (encl.19)

§ 87(2)(b) has a laceration above his right eyelid near his temple. There is dry blood around the laceration.

CCRB Statement

§ 87(2)(b) provided a phone statement on August 2, 2013 (encl.15). § 87(2)(b) was interviewed at the CCRB on August 6, 2013 (encl.16-35). § 87(2)(b)'s statements are largely consistent and have been combined with any discrepancies noted. On July 19, 2013, at approximately 10:00 p.m., in front of 203-05 Hollis Avenue, in Queens, § 87(2)(b) was sitting outside waiting to get his haircut at a barbershop at the aforementioned location. The name of the barbershop is, "In The Chair." § 87(2)(b) had been waiting to get his haircut for approximately 20 to 30 minutes. He was sitting with § 87(2)(b) last name unknown, and a barber who works inside of the shop. § 87(2)(b) did not know this barber's name or have his contact information. § 87(2)(b) did not know § 87(2)(b)'s last name or contact information.

Prior to going to the barbershop, § 87(2)(b) played basketball for several hours. While waiting for his haircut, § 87(2)(b) was sitting on a bench outside the barbershop with his feet out of his shoes. While § 87(2)(b) was waiting to get his hair cut, he was on his phone perusing

rental car websites. § 87(2)(b) was not smoking anything. Nobody near § 87(2)(b) was smoking anything. Approximately 20 minutes prior, § 87(2)(b)'s friend Pierre, last name unknown, had given § 87(2)(b) a five dollar bill so as to get a shape up. Pierre left after giving § 87(2)(b) the five dollar bill. § 87(2)(b) did not exchange anything with Pierre for the five dollar bill.

On this day, § 87(2)(b) was unsure if he had smoked marijuana earlier in the day. § 87(2)(b) admits to smoking marijuana occasionally. However, § 87(2)(b) stated that he definitely did not smoke marijuana while waiting to get his haircut. § 87(2)(b) did not drink any alcohol on this day.

Suddenly an unmarked silver SUV pulled up in front of the barbershop, and double parked near a vehicle parked along the curb. An officer identified by the investigation as PO Michael Butler was the driver of the vehicle. PO Butler remained in the driver's seat. An officer identified by the investigation as Inspector Charles McEvoy exited the front passenger's seat. § 87(2)(b) described PO Butler as a uniformed white male, standing approximately 5'11" to 6'0" tall, with a muscular/athletic build, and in his late 20s. § 87(2)(b) described Inspector McEvoy as a uniformed white male, wearing a white shirt, standing approximately 6'0" tall, with a bald head, and a thin build.

Inspector McEvoy exited the vehicle with his gun drawn and pointed it at § 87(2)(b). An officer identified by the investigation as Det. Errio Paul exited the rear passenger's seat at the same time as Inspector McEvoy. § 87(2)(b) described Det. Paul as bald headed uniformed black male, standing 6'0" tall, with a solid/athletic build, between 35 to 42 years old. After exiting the vehicle, Det. Paul also had his gun drawn and pointed at § 87(2)(b). One of the officers was shouting, "He has a gun, he has a gun!" § 87(2)(b) did not see which officer said this.

The distance between Inspector McEvoy and Det. Paul from § 87(2)(b) and his companions was approximately ten to 15 feet. Upon seeing Inspector McEvoy and Det. Paul approach with their guns drawn and pointed, § 87(2)(b) fled westbound on Hollis Avenue towards the corner of 203rd Street. § 87(2)(b) fled without his shoes, and was running in his socks. Inspector McEvoy pursued § 87(2)(b) westbound on Hollis Avenue towards 203rd Street. Before turning the corner, an officer who § 87(2)(b) suspected was Inspector McEvoy, said, "Stop § 87(2)(b) I am going to shoot." § 87(2)(b) turned onto 203rd Street and continued northbound towards 109th Avenue.

After rounding the corner of Hollis Avenue and 203rd Street, § 87(2)(b) realized that the silver SUV was pursuing him. At the end of 203rd Street, near 109th Avenue, the SUV jumped the curb, onto the sidewalk, and struck § 87(2)(b)'s left hip. This caused § 87(2)(b) to push off the hood of the vehicle several feet into the air and land on his feet causing substantial pain. § 87(2)(b) believed that he sustained lacerations to the soles of his feet at this point. § 87(2)(b) continued to run westbound on 109th Avenue towards 202nd Street. He was pursued by PO Butler. § 87(2)(b) turned at the corner of 109th Avenue and 202nd Street and continued southbound for approximately one third of the block. Roughly in front of 12 202nd Street, § 87(2)(b) decided to lie down and give up. § 87(2)(b) went down on his hands and knees and rolled over with his back to the ground. PO Butler caught up with § 87(2)(b) who was lying on the ground. § 87(2)(b) put his hands up in the air and said, "I give up, I give up."

PO Butler ran towards § 87(2)(b) and kicked him in the stomach. PO Butler straddled § 87(2)(b)'s body and struck him twice with a closed fist in the head. § 87(2)(b) sustained a laceration above his left eyebrow because of PO Butler's punch and a bruise on his right temple. § 87(2)(b) could feel blood begin to flow down the left side of his face and temple. Seconds later, Inspector McEvoy and Det. Paul arrived on the scene and began striking § 87(2)(b) on his

stomach and head multiple times. At no point while § 87(2)(b) was being hit did he react in any way. He did not physically resist, and did not throw any punches or kick the officers.

After punching § 87(2)(b) several times, the officers placed § 87(2)(b) in handcuffs and carried him to their vehicle. Because of the injuries on § 87(2)(b)'s feet, he could not walk properly and had to be half carried, half walked to the vehicle. § 87(2)(b) could not articulate how the officers transported him to the SUV. Inspector McEvoy said, "You remember me right?" to § 87(2)(b) when he was being placed in the car. § 87(2)(b) believed that Inspector McEvoy was referring to an incident that occurred last year, in which Inspector McEvoy interacted with § 87(2)(b). § 87(2)(b) did not elaborate on the details of this incident.

After being placed in the vehicle § 87(2)(b) was transported to the 103rd Precinct Stationhouse. After entering into the stationhouse, § 87(2)(b) never saw Inspector McEvoy, PO Butler, or Det. Paul again. § 87(2)(b) was taken to Jamaica Hospital by a different set of officers in a police vehicle. § 87(2)(b) was treated for a laceration on his right eyebrow and torn skin on the soles of his feet. § 87(2)(b) was discharged from the hospital later that day. § 87(2)(b) was charged with resisting arrest and criminal possession of marijuana in the fifth degree.

Photos provided by § 87(2)(b) (encl.24-35)

Photos 1 and 2

The photo taken by § 87(2)(b) on July 19, 2013 shows a splattering of blood on the sidewalk at the point of his apprehension alleged to be from § 87(2)(b).

Photos 3 and 4

Photos of Inspector Charles McEvoy provided by § 87(2)(b) to the CCRB on August 6, 2013. The images are taken from the NYPD's website.

Photos 5 through 10

Photos taken by § 87(2)(b)'s brother after the incident which show blistering and peeling skin on the soles of both of § 87(2)(b)'s feet.

Witness: § 87(2)(b) § 87(2)(b)

- § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at 203-01 Hollis Avenue on August 16, 2013 (encl.42-44). On July 19, 2013, at approximately 10:00 p.m., § 87(2)(b) § 87(2)(b) at his § 87(2)(b) located on the corner of 203rd Street and Hollis Avenue. Earlier that evening, § 87(2)(b) saw a male, known to the investigation to be § 87(2)(b) sitting in front of the barbershop located at 2 Hollis Avenue. § 87(2)(b) stated that § 87(2)(b) was smoking marijuana, however § 87(2)(b) could not articulate why he thought it was marijuana as opposed to tobacco. § 87(2)(b) went back into his store and was waiting behind the counter. There is a video camera outside the bodega that points towards the sidewalk adjacent to Hollis Avenue.

There is also a TV screen hanging from the ceiling in front of the counter behind which § 87(2)(b) stands. That TV screen shows the video footage caught by the surveillance camera facing the street. Suddenly, officers identified by the investigation to be Det. Errio Paul and Inspector Charles McEvoy came out of a nearby vehicle and chased § 87(2)(b). § 87(2)(b) saw that the officers had their guns drawn and pointed at the ground. § 87(2)(b) did not see the officers point their guns at § 87(2)(b).

§ 87(2)(b) surmised that § 87(2)(b) was running because he was afraid that the officers were going to kill him. § 87(2)(b) came to the store later and § 87(2)(b) saw that § 87(2)(b) had

a scar above his right eye that he did not have before the incident with the police. § 87(2)(b) stated that he did not know why the police officers drew their guns, because § 87(2)(b) was just smoking. § 87(2)(b) surmised that the officers may have thought that § 87(2)(b) had a gun; however he could not articulate what led him to believe that. § 87(2)(b) could not hear what if anything the officers were saying to § 87(2)(b)

Field Work

On August 16, 2013, the undersigned investigator, Inv. Amgad Fawzy, and Inv. Galen Baynes went to Hollis Avenue and 203rd Street. Inv. Legaspi and Inv. Fawzy went to the deli grocery on the corner of Hollis Avenue and 203rd Street and obtained a statement from § 87(2)(b). The investigators then walked westbound on Hollis Avenue and went to In the Chair located at 2 Hollis Avenue. The undersigned investigator spoke with a barber named § 87(2)(b). § 87(2)(b) stated that he did not know about the incident, and that no one currently at the barbershop was present for the incident. § 87(2)(b) took 10 of the investigator's please call letters and stated that he would distribute them to anyone who as at the barbershop at the time of the incident. The investigators then went to 202nd Street and knocked on the doors of the houses located at 12 202nd Street and 14 202nd Street. No one answered. A please call letter was left in each mailbox at the aforementioned homes. To date, no one has responded to these contacts.

NYPD Statements:

Subject Officer: DET. ERRIO PAUL

- *Det. Errio Paul is § 87(2)(b)*
- *Det. Errio Paul was working with PO Michael Butler and Inspector James McEvoy. Det. Paul was assigned to SPIKE overtime and was working in uniform. Det. Paul worked from 7:30 p.m., on July 19, 2013, until 4:05 a.m. on July 20, 2013. Det. Paul was in uniform and assigned to an unmarked RMP which he described as a grey jeep.*

Memo Book (encl.45-47)

10:19 p.m., One under arrest at Hollis Avenue and 201st Street, transport to § 87(2)(b) Hospital, § 87(2)(b) 12:10 a.m., resuming patrol.

Arrest Report (encl.49-51)

§ 87(2)(b) was arrested by Det. Paul on July 19, 2013 at 10:19 p.m., at the southeast corner of 200th Street and 104th Avenue, in Queens. § 87(2)(b)'s top charge was resisting arrest, he was also charged with criminal possession of marijuana in the fifth degree. The arrest report notes, "At time and place of occurrence, defendant was observed smoking a marijuana cigarette upon stop defendant did flee on foot and resist arrest by flailing arms and elbows." It notes that force was used to restrain/control/remove.

Marijuana Possession Supporting Deposition (encl.52)

Det. Paul attested to observing § 87(2)(b) holding marijuana in a public place and open to public view. It states that the marijuana was loose and inside of a napkin, it also states that the marijuana was recovered from, "the ground from defendants left hand." Det. Paul believed that the substance was marijuana based on his training, experience, and the odor emanating from the substance.

CCRB Statement

Det. Paul was interviewed at the CCRB on October 18, 2013 (encl.53-55). On July 17, 2013, at approximately 10:00 p.m., Det. Paul was on patrol with PO Butler and Inspector McEvoy. PO Butler was driving an unmarked grey jeep westbound on Hollis Avenue. Det. Paul was sitting in the back passenger's seat, and Inspector McEvoy was in the front passenger's seat. Det. Paul stated that the vehicle was driving slowly with the windows down when they observed a group of four or five males standing outside of a barbershop located on Hollis Avenue, known to the investigation to be "In The Chair" barbershop. § 87(2)(b) was smoking a marijuana cigarette. None of the other males were smoking anything. Det. Paul could not recall which officer first observed the marijuana cigarette; however he knew that it was a marijuana cigarette based on his training and experience.

Specifically, Det. Paul stated that the marijuana was rolled in brown rolling paper in a manner consistent with a marijuana cigarette. § 87(2)(b) was holding the cigarette between his thumb and index finger which is consistent with the way a marijuana cigarette is held as opposed to a tobacco cigarette. Det. Paul stated that the block of Hollis Avenue between 203rd Street and 202nd Street frequently smells like burning marijuana, but because § 87(2)(b) was the only individual in the vicinity who was clearly smoking, they deduced that the marijuana odor originated from § 87(2)(b).

The area in front of the barbershop on Hollis Avenue was well lit, both by the barbershop's lights and street lights. It was a clear night. Det. Paul did not recall whose decision it was to exit the vehicle and approach § 87(2)(b). Inspector McEvoy exited the vehicle first, followed almost immediately by Det. Paul. The vehicle was parallel parked on Hollis Avenue, approximately ten feet from where § 87(2)(b) was standing in front of the barbershop. Because Det. Paul and Inspector McEvoy were wearing uniforms, they did not identify themselves as police officers as they approached § 87(2)(b). They did not issue § 87(2)(b) any commands, or say anything whatsoever.

Seeing the uniformed officers approach, § 87(2)(b) immediately fled westbound on Hollis Avenue towards 203rd Street. Det. Paul denied that either himself or Inspector McEvoy drew their weapons when § 87(2)(b) fled. § 87(2)(b) turned northbound on 203rd Street. PO Butler was still in the RMP. Det. Paul and Inspector McEvoy pursued § 87(2)(b) on foot. They were approximately 15 feet behind § 87(2)(b). PO Butler pursued § 87(2)(b) in his vehicle westbound on Hollis Avenue and then northbound on 203rd Street.

When Inspector McEvoy and Det. Paul turned northbound on to 203rd Street they observed that the RMP was parked about halfway up the street, and that PO Butler was pursuing § 87(2)(b) on foot towards 109th Avenue. Det. Paul denied seeing the RMP jump the curb on to the sidewalk or strike § 87(2)(b) in any way. When Inspector McEvoy and Det. Paul arrived at where the RMP was parked, Inspector McEvoy went to the driver's seat and instructed Det. Paul to pick up PO Butler's radio which was on the ground. Det. Paul got into the passenger's seat and they drove northbound to 109th Avenue. More than two individuals from the neighborhood pointed westbound towards 201st Street, indicating that § 87(2)(b) and PO Butler had gone westbound towards 201st Street.

When Inspector McEvoy and Det. Paul turned southbound on 201st Street they observed § 87(2)(b) face down on the ground with one hand in handcuffs, and PO Butler standing over him. Det. Paul could not recall which hand was in handcuffs. § 87(2)(b) was kicking his feet in all directions. Det. Paul could not recall what § 87(2)(b) was doing with his other hand. Det. Paul could not recall what, if anything § 87(2)(b) was saying. Det. Paul believed that PO Butler was instructing § 87(2)(b) to give up his other hand. Det. Paul observed that there was blood on the ground under § 87(2)(b) but he could not discern from where § 87(2)(b) was bleeding.

Det. Paul could not recall if he and Inspector McEvoy assisted PO Butler in placing § 87(2)(b) in handcuffs. Det. Paul assisted in picking up § 87(2)(b) once he had been placed in

handcuffs. § 87(2)(b) did not complain of being injured while he was on the ground. Det. Paul denied punching, striking, or kicking § 87(2)(b) while he was on the ground. Det. Paul denied that any officer present punched, struck, or kicked § 87(2)(b) while he was on the ground. PO Butler was able to grab § 87(2)(b)'s other arm and place him in handcuffs. § 87(2)(b) continued to kick in all directions and refused to stand up of his own accord.

Det. Paul was presented photos of § 87(2)(b)'s foot injuries, and added that § 87(2)(b) was barefoot when he ran. Because § 87(2)(b) had run barefoot, he sustained lacerations to the soles of his feet. Det. Paul acknowledged that § 87(2)(b) did not stand up of his own accord because of the injuries on his feet. PO Butler and Det. Paul lifted § 87(2)(b) up by his arms and carried him to the RMP. § 87(2)(b)'s feet were not making contact with the ground. § 87(2)(b) was put into the RMP and transported to § 87(2)(b) Hospital to be treated for the laceration on his forehead and feet.

At the conclusion of the interview, Det. Paul was presented with video footage (in IA #41) of § 87(2)(b)'s flight. At 12 seconds into the video Det. Paul recognized Inspector McEvoy and stated that it appeared as though his hand was on his gun. Det. Paul could not definitely say whether or Inspector McEvoy's gun was in fact upholstered. At 13 seconds Det. Paul recognized himself and saw that his gun was in fact upholstered and at his side pointed down at the sidewalk. In light of this, Det. Paul could still not state at what point he drew his gun, or for what specific reason he drew his gun.

Subject Officer: PO MICHAEL BUTLER

- *PO Michael Butler is a § 87(2)(b) On July 19, 2013, PO Butler was working from 7:30 p.m., until 4:05 a.m. the next day.*
- *PO Butler was working with Det. Paul and Inspector McEvoy. PO Butler was in uniform and was assigned to Spike patrol. PO Butler was operating unmarked grey Ford Jeep, RMP # § 87(2)(b)*

Memo Book (encl.56-58)

10:19 p.m., Attempt to stop male at 201st Street and Hollis Avenue smoking marijuana. Male fled on foot refusing officers orders to stop upon foot pursuit defendant was tackled at 200th Street and 104th Avenue.”

CCRB Statement

PO Butler was interviewed at the CCRB on November 13, 2013 (encl.59-61). On July 19, 2013, at approximately 10:00 p.m., PO Butler was working spike overtime with Det. Errio Paul and Inspector Charles McEvoy. While driving westbound on Hollis Avenue, PO Butler observed a group of males standing in front of a barbershop, known to the investigation to be “In The Chair” barbershop located at 203-05 Hollis Avenue.

PO Butler could not recall how many individuals were in this group. PO Butler could not recall who first observed that the group of males was smoking marijuana. PO Butler could not recall if someone in the vehicle told him to stop the vehicle or if he stopped of his own volition. PO Butler observed the marijuana cigarette and was able to smell the odor of marijuana. The vehicle's windows were open at the time, and the vehicle was approximately ten feet from where the group of males was congregated. Although it was nighttime and dark out, the group was standing in front of a well light store front and there were street lights on. It was a clear night. PO Butler could not recall if they were each smoking a marijuana cigarette or if they were sharing one amongst the group.

Immediately after the group was observed smoking marijuana, PO Butler stopped the vehicle approximately ten feet from this group of males. All three officers exited the vehicle at

the same time. PO Butler could not recall if any officer made any statements towards to the group of males. At this point there was no indication that § 87(2)(b) who was in the group, was armed. PO Butler did not know if § 87(2)(b) was sitting or standing at the point of initial contact. Immediately upon seeing the officers approach the group, § 87(2)(b) fled westbound on foot towards 203rd Street. PO Butler could not recall if Det. Paul and Inspector McEvoy drew their weapons upon exiting the vehicle. PO Butler stated that his weapon was holstered when he exited the vehicle, but could not recall if he drew it any point. PO Butler could not recall any specific statements that Inspector McEvoy issued towards § 87(2)(b) once he fled. PO Butler believed that Inspector McEvoy may have said something to the effect of “Stop running” but PO Butler was unsure. PO Butler did not hear Inspector McEvoy or Det. Paul say, “Stop § 87(2)(b) I am going to shoot.” PO Butler did not remember saying this.

The group of males who were standing with § 87(2)(b) in front of the barbershop remained where they were once § 87(2)(b) fled. None of the officers had any interaction with them once § 87(2)(b) fled. Det. Paul and Inspector McEvoy immediately began to chase § 87(2)(b) westbound on Hollis Avenue. After § 87(2)(b) reached the corner of Hollis Avenue and 203rd Street, PO Butler decided to get back into the vehicle and chase § 87(2)(b). PO Butler caught up to § 87(2)(b) approximately halfway up 203rd Street.

Inspector McEvoy and Det. Paul were a few steps behind § 87(2)(b). PO Butler drove the vehicle over the curb on to the sidewalk in order to block § 87(2)(b)'s path. However, § 87(2)(b) was able to squeeze past the hood of the RMP and continue northbound on 203rd Street. PO Butler could not recall the distance between § 87(2)(b) and the vehicle. PO Butler denied that § 87(2)(b) was ever struck by the vehicle. PO Butler stated that there was some distance between the front of the vehicle and a wall which § 87(2)(b) was able to squeeze through. However later in his statement, PO Butler stated that § 87(2)(b) climbed over the hood of the vehicle after PO Butler had parked the vehicle.

PO Butler exited the vehicle and continued to chase § 87(2)(b) on foot. PO Butler had already stopped the vehicle and was exiting when § 87(2)(b) climbed past the vehicle. Inspector McEvoy and Det. Paul got back into the vehicle and followed them as they continued northbound on 203rd Street. PO Butler chased § 87(2)(b) northbound on 203rd Street and turned eastbound onto 109th Avenue and turned southbound on 202nd Street. PO Butler continued to issue § 87(2)(b) commands to stop running. While they were running § 87(2)(b) continued to reach towards his front waistband area. This made PO Butler suspect that he may have been armed.

PO Butler started to gain on § 87(2)(b) at 202nd Street. § 87(2)(b) was running only in his socks. § 87(2)(b) turned around abruptly on 202nd Street close to Hollis Avenue and faced PO Butler. § 87(2)(b) put his hands up. PO Butler was only a few steps behind § 87(2)(b) and because of the momentum PO Butler gained while running PO Butler collided into § 87(2)(b) and took him to the ground. PO Butler did not recall § 87(2)(b) struggling while they were standing.

PO Butler was not sure how § 87(2)(b) initially fell to the ground. While on the ground PO Butler attempted to place § 87(2)(b) in handcuffs. PO Butler was not sure how § 87(2)(b) was positioned on the ground. At one point, PO Butler believed he was on top of § 87(2)(b)'s back. PO Butler believed that he was able to get on top of § 87(2)(b)'s back only after he had placed one hand in handcuffs. § 87(2)(b) was moving his body and refusing to give up his hands, so PO Butler punched § 87(2)(b) in the face once. PO Butler did not recall how many seconds passed between when they fell to the ground and when he punched § 87(2)(b). PO Butler could not recall where he punched § 87(2)(b) on his face. PO Butler could not recall if he punched § 87(2)(b) more than once. Even after PO Butler punched § 87(2)(b) he continued to move his body. PO Butler told § 87(2)(b) to stop resisting several times. PO Butler did not recall standing up before § 87(2)(b) was handcuffed.

§ 87(2)(b) sustained a laceration to his face, however, PO Butler could not recall if that was sustained as a result of his punch or as a result of falling to the ground. When Inspector McEvoy and Det. Paul arrived at the scene, they assisted in rear handcuffing § 87(2)(b). Inspector McEvoy and Det. Paul grabbed § 87(2)(b)'s arms and assisted in placing him in handcuffs. PO Butler did not recall seeing either Inspector McEvoy or Det. Paul punch or kick § 87(2)(b). PO Butler did not recall seeing them use any additional force to place § 87(2)(b) in handcuffs besides grabbing his arms and holding them as PO Butler handcuffed § 87(2)(b). PO Butler did not recall punching or kicking § 87(2)(b) after Inspector McEvoy or Det. Paul arrived at the scene. PO Butler did not know if he ever made contact with § 87(2)(b)'s stomach.

After § 87(2)(b) was placed in handcuffs the officers escorted him to the vehicle to be transported to the 103rd Precinct. § 87(2)(b) had a laceration to his face and blisters on his feet from running barefoot. PO Butler was presented photos of § 87(2)(b)'s injuries and stated that they were consistent with what he saw at the time. PO Butler stated that § 87(2)(b) is a known "recidivist." However, PO Butler did not know this at the time of the initial stop and Inspector McEvoy did not indicate this at the time of the initial stop.

PO Butler was presented with video footage from a surveillance camera attached to a corner store located at the corner of East 203rd and Hollis Avenue. Ten seconds into the video, PO Butler recognized § 87(2)(b). At twelve seconds PO Butler recognized the image of Inspector McEvoy. PO Butler could not attest to what Inspector McEvoy appears to be holding in his right hand. At the time PO Butler did not recall Inspector McEvoy holding anything in his hand. At thirteen seconds PO Butler recognized Det. Paul. In this image it appears that Det. Paul is holding something in his hand, however, PO Butler could not attest to what that object was and it did not refresh his memory as to whether or not it was a gun.

Subject Officer: INSPECTOR CHARLES MCEVOY

- *Inspector Charles McEvoy is a § 87(2)(b).*
- *Inspector McEvoy is the Commanding Officer at the 103rd Precinct. Inspector McEvoy generally works from 11:00 a.m., until 7:00 p.m., however on July 19, 2013, Inspector McEvoy was working from 11:00 a.m., until 11:00 p.m. Inspector McEvoy does not have a steady partner, but at the time of this incident was working Spike overtime with PO James Butler and Detective Errio Paul. Inspector McEvoy was in uniform and was operating out of unmarked RMP #§ 87(2)(b) which is a grey Ford Escape.*

CCRB Statement

Inspector McEvoy was interviewed at the CCRB on December 5, 2013. On July 19, 2013, at approximately 10:00 p.m., Inspector McEvoy was on patrol with Det. Errio Paul and PO James Butler in the vicinity of 203rd Street and Hollis Avenue. They were conducting quality of life enforcement. Inspector McEvoy did not know if all four windows of the vehicle were open, however his window was open.

PO Butler was driving westbound on Hollis Avenue between 203rd Street and 204th Street, on the north side of the street. There are a row of business on the north side of the street including, a barbershop, known to the investigation to be In The Chair located at 203-05 Hollis Avenue. Inspector McEvoy observed a group of five males sitting on crates and beach chairs in front of the barbershop. One of the males, known to the investigation to be § 87(2)(b) was smoking marijuana. § 87(2)(b) was the only individual smoking while everyone else was sitting around § 87(2)(b). The area around the males was permeated by a strong odor of marijuana. Inspector McEvoy could not recall the specific shape, length, or characteristics of the marijuana cigarette.

Inspector McEvoy believed he may have said something to the effect of “stop, they are smoking weed.” PO Butler stopped on the same side of the street as the group of males at a distance of approximately 20 feet. Inspector McEvoy was unsure if PO Butler pulled into open spot along the curb or double parked. Inspector McEvoy exited with Det. Paul. Inspector McEvoy was unsure if Det. Paul or PO Butler exited the vehicle first. As soon as Inspector McEvoy exited the vehicle, § 87(2)(b) stood up and ran westbound to 203rd Street. Inspector McEvoy yelled “Police stop! Police don’t move!” Inspector McEvoy directed that command specifically to § 87(2)(b) because he ran. Inspector McEvoy never said, “Stop § 87(2)(b) I am going to shoot.” Inspector McEvoy never threatened to discharge his weapon. Inspector McEvoy did not know if PO Butler or Det. Paul issued any commands to § 87(2)(b). Inspector McEvoy never pointed his weapon at § 87(2)(b) or any of the other males in front of the barbershop. Det. Paul nor Det. Butler pointed their weapon at § 87(2)(b) and his companions at any point.

Inspector McEvoy’s weapon was still holstered when he exited the vehicle. § 87(2)(b) ran northbound on 203rd Street northbound towards 109th Avenue. When § 87(2)(b) began to run, Inspector McEvoy drew his service weapon but kept it in his right hand in a downwards position. Inspector McEvoy did not know if Det. Paul or PO Butler drew their weapons at any point. Inspector McEvoy drew his weapon because he did not know if § 87(2)(b) was armed. According to Inspector McEvoy, besides the fact that § 87(2)(b) fled upon seeing police, there was no other indication that he may have been armed.

Inspector McEvoy and Det. Paul pursued § 87(2)(b) on foot. § 87(2)(b) was approximately twenty feet ahead of the officers. PO Butler stayed with the vehicle and began to pursue § 87(2)(b) in the vehicle. After reaching 203rd Street and turning northbound, § 87(2)(b) was approximately half a block ahead of Det. Paul and Inspector McEvoy.

Inspector McEvoy ran northbound on 203rd Street and saw that PO Butler stopped the vehicle, exited and began to chase § 87(2)(b) on foot northbound towards 109th Avenue. Inspector McEvoy observed this situation from a distance of approximately half a block. Although it was dark out at the time, the visibility conditions were clear and the street was well lit. Inspector McEvoy did not know why PO Butler had stopped the vehicle to pursue § 87(2)(b) on foot. Inspector McEvoy did not see anything that caused PO Butler to exit the vehicle and chase § 87(2)(b) on foot. PO Butler stopped the vehicle parallel to the curb line and exited the vehicle. The vehicle was stopped in front of a school yard. To Inspector McEvoy’s knowledge the vehicle did not jump the curb. The vehicle did not strike § 87(2)(b). At no point did § 87(2)(b) stop running. According to Inspector McEvoy, it is not unusual for a pursuit to start in a vehicle and then change to a foot pursuit. During his career, Inspector McEvoy has seen hundreds of such scenarios and done it himself multiple times.

Inspector McEvoy and Det. Paul reached the vehicle which was still running and entered it. After getting into the vehicle, Inspector McEvoy did not recall backing the car away from the curb line. Inspector McEvoy entered the driver’s seat, and Det. Paul entered the passenger’s seat. PO Butler turned westbound on 109th Avenue following closely behind § 87(2)(b). After PO Butler turned westbound on 109th Avenue, Inspector McEvoy lost sight of PO Butler. Inspector McEvoy drove northbound towards 109th Avenue. Inspector McEvoy observed a police radio on the sidewalk. Inspector McEvoy assumed that it was PO Butler’s radio. Inspector McEvoy exited the vehicle, picked it up, and got back into vehicle. Inspector McEvoy never asked PO Butler why he had exited the vehicle to chase § 87(2)(b).

Inspector McEvoy drove towards 109th Avenue. Inspector McEvoy believed that PO Butler turned westbound on 109th Avenue towards 202nd Street. Inspector McEvoy drove westbound on 109th Avenue until he reached the intersection with 202nd Street. Inspector McEvoy looked southbound on 202nd Street and saw PO Butler on the east side of the street. § 87(2)(b) was on the ground. PO Butler was over § 87(2)(b) with his handcuffs out and was trying to

place § 87(2)(b) in handcuffs. It was immediately apparent to the inspector that § 87(2)(b) was not being compliant. Inspector McEvoy could not recall specifically where § 87(2)(b)'s hands were but they were not behind his back in compliance with being handcuffed.

Inspector McEvoy drove to where were § 87(2)(b) and PO Butler were on the ground struggling. Inspector McEvoy and Det. Paul exited the vehicle and went over to assist placing § 87(2)(b) in handcuffs. At this point, Inspector McEvoy did not observe any injuries on § 87(2)(b). § 87(2)(b) was lying face down on the ground. Inspector McEvoy did not punch § 87(2)(b) and did not observe Det. Paul punch § 87(2)(b). To Inspector McEvoy's knowledge PO Butler did not punch § 87(2)(b).

Upon reaching § 87(2)(b) Inspector McEvoy grabbed his hands and arms and pulled them behind his back in order to place him in handcuffs. Inspector McEvoy did not observe any injuries on § 87(2)(b) when he went to assist PO Butler in handcuffing § 87(2)(b). Inspector McEvoy did not observe any blood in the immediate area of § 87(2)(b)'s body. A large crowd gathered while they were placing § 87(2)(b) in handcuffs. Inspector McEvoy approximated that 20 people were in the crowd, some of whom came from the barbershop.

After § 87(2)(b) was placed in handcuffs, Inspector McEvoy had to physically pull § 87(2)(b) up and walk him to the vehicle. § 87(2)(b) was bleeding from his head but Inspector McEvoy could not say specifically say where on his head § 87(2)(b) was bleeding. Inspector McEvoy did not know at the time when § 87(2)(b) obtained this injury. Inspector McEvoy was informed by PO Butler that § 87(2)(b) struck his head on a garbage pail. Inspector McEvoy was told this after § 87(2)(b) was handcuffed. Inspector McEvoy did not look for the garbage pail since he wanted to leave the scene as soon as possible. Inspector McEvoy did not observe any garbage pails in the area where PO Butler and § 87(2)(b) were struggling. PO Butler never informed Inspector McEvoy of where the garbage pail was located or how § 87(2)(b) had come to hit his head on it. PO Butler did not inform Inspector McEvoy of when § 87(2)(b) had struck his head on a garbage pail. Inspector McEvoy was shown § 87(2)(b)'s arrest photo and stated that it was consistent with the injury that § 87(2)(b) was described as having.

Inspector McEvoy realized that he had interacted with § 87(2)(b) in the past. Prior to this incident, Inspector McEvoy attempted to arrest § 87(2)(b) for playing dice in the street. In this incident, § 87(2)(b) was non-complaint in providing ID. Because Inspector McEvoy did not feel that it was necessary to call additional units for such a minor offense, he was unable to apprehend § 87(2)(b) when he fled. This entire incident lasted approximately 30 seconds. § 87(2)(b) reminded Inspector McEvoy about that incident while they were in the vehicle driving to the hospital. Inspector McEvoy did not have a discussion with § 87(2)(b) in the vehicle about the details of the earlier incident. § 87(2)(b) is not known to the precinct. Inspector McEvoy did not observe any injuries to § 87(2)(b)'s feet. Inspector McEvoy noticed afterwards that § 87(2)(b) had been running without shoes.

Medical Records (encl. Medical Records Folder)

§ 87(2)(b) was treated at § 87(2)(b) Hospital on § 87(2)(b). Medical personnel attempted to suture a forehead laceration; however, § 87(2)(b) refused to have laceration done. § 87(2)(b) complained primarily of foot pain. § 87(2)(b) was given saline and Betadine soaks for his feet, but refused because of the burning sensation. § 87(2)(b)'s feet were cleansed and scrubbed with Betadine. § 87(2)(b) was uncooperative and disruptive during the procedure. § 87(2)(b) refused anesthesia. The procedure could not be completed. The wounds to § 87(2)(b)'s feet were irrigated with 800 ml of saline/Betadine mix solution. § 87(2)(b) was prescribed OxyCodone-acetaminophin, a Tetanus injection, Tylenol, and Keflex.

NYPD Documents

Property Clerk Invoice (encl. 75)

Marijuana in its vegetative form wrapped in a napkin was vouchered by Det. Paul.

Command Log (encl. 76-81)

The Command Log notes that § 87(2)(b) had a laceration to his face, and in the remarks section it notes that “marijuana was lit in defendant’s hand – § 87(2)(b).”

§ 87(2)(b)

Status of Civil Proceedings

- On March 13, 2014 the results of a FOIL search indicated that neither § 87(2)(b) nor § 87(2)(b) filed a Notice of Claim regarding this incident. (encl.81a)

§ 87(2)(b)

§ 87(2)(b)

Subject Officers’ CCRB Histories

- PO ##### Butler has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. 1).
- Inspector Charles McEvoy has been a member of the service for 24 years and there are no substantiated CCRB allegations against him (encl. 2).
- Det. Errio Paul was a member of the service for 20 years and there are five substantiated CCRB allegations against him. (encl. 3-4).
 - In case number 9704299 it was alleged that Det. Paul used his gun as a club, used physical force, and threatened the complainant with force. The board recommended charges, however the statute of limitations had expired.
 - In case number 201104149 it was alleged that Det. Paul stopped and frisked the complainant. The board recommended charges and instructions were given.

Conclusion

Identification of Subject Officers

Det. Paul, PO Butler, and Inspector McEvoy acknowledged interacting with § 87(2)(b)

Investigative Findings and Recommendations

- **Allegation A – Force:** Inspector Charles McEvoy pointed his gun at § 87(2)(b) and § 87(2)(b)
- **Allegation B – Force:** Det. Errio Paul pointed his gun at § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) maintained that Inspector McEvoy and Det. Paul drew their weapons after they exited the vehicle and pointed them at § 87(2)(b) and § 87(2)(b).

It is clear from the video footage that both Inspector McEvoy and Det. Paul did have their weapons drawn and pointed downwards as they gave chase to § 87(2)(b). However, the video footage does not indicate if Inspector McEvoy or Det. Paul pointed their weapons at § 87(2)(b) and § 87(2)(b) or whether the guns were drawn at the outset of the stop.

§ 87(2)(b) confirmed that both officers had their guns drawn and pointed downwards but denied seeing the officers point their weapons at § 87(2)(b) and § 87(2)(b).

Inspector McEvoy and Det. Paul acknowledged drawing their weapons, but denied ever pointing their weapons at § 87(2)(b) or § 87(2)(b). Inspector McEvoy drew his weapon because he feared that § 87(2)(b) may have been armed. According to Inspector McEvoy this fear was caused by the fact that § 87(2)(b) fled at the sight of the police. Det. Paul could not articulate why he drew his weapon, even after he had viewed the video footage.

According to *Police Department v. Gliner*, OATH Index No.955/00 (Sept. 6, 2000), officers may point their weapons at an individual as long as they have reasonable fear for their own or another's safety. However, only Inspector McEvoy acknowledged fearing for his safety, while Det. Paul could not articulate why he had drawn his weapon. Furthermore, Inspector McEvoy stated the only reason he drew his weapon was because he suspected that § 87(2)(b) may have been armed because he fled. Inspector McEvoy did not cite any other reason to suspect that § 87(2)(b) may have been armed. It is

§ 87(2)(b), § 87(2)(g)

- **Allegation C – Force:** PO Michael Butler struck § 87(2)(b) with a vehicle.
§ 87(2)(b) alleged that during the chase PO Butler struck him in the left hip with the RMP, causing him to push off the hood and jump into the air several feet. § 87(2)(b) believed that the injuries to the soles of his feet (encl. 28-33) were caused by making impact on the ground. However, § 87(2)(b) stated that § 87(2)(b) simply rolled over the hood and continued to run after the vehicle made contact with his left hip.

PO Butler denied that the vehicle ever hit § 87(2)(b) and maintained that when he jumped the curb to block § 87(2)(b)'s path, § 87(2)(b) was able to squeeze past the vehicle and continue fleeing. Det. Paul and Inspector McEvoy both denied that the vehicle jumped the curb or struck § 87(2)(b) in any way.

PO Butler's account is more credible than Inspector McEvoy' and Det. Paul's account, simply because PO Butler had a better view of what occurred. § 87(2)(b)'s account of what happened is more plausible, because it is unlikely that § 87(2)(b) could continue running, while barefoot, after having been struck by a vehicle. Furthermore, the injuries to § 87(2)(b)'s feet are more consistent with running at a high rate of speed without shoes than with impact on the ground.

§ 87(2)(b), § 87(2)(g)

- **Allegation D – Force:** PO Michael Butler used physical force against § 87(2)(b)
- **Allegation E – Force:** Det. Errio Paul used physical force against § 87(2)(b)
- **Allegation F – Force:** Inspector Charles McEvoy used physical force against § 87(2)(b)

§ 87(2)(b) stated that after running for some time, he decided to lie down on the sidewalk, put his hands up, and surrender voluntarily to PO Butler. However, when PO Butler arrived, he kicked § 87(2)(b) in the stomach and struck him twice with a closed fist in the head. As a result of this strike, § 87(2)(b) sustained a laceration above his right eyelid. Seconds later, Inspector McEvoy and PO Paul arrived on the scene and began striking § 87(2)(b) on his stomach and head multiple times. At no point while § 87(2)(b) was being hit did he react in anyway. § 87(2)(b) did not witness this portion of the incident and therefore could not attest to the force the officers used against § 87(2)(b).

PO Butler acknowledged colliding into § 87(2)(b) when the latter stopped suddenly. Because of this collision both § 87(2)(b) and PO Butler fall to the ground. Once on the ground, PO Butler acknowledged striking § 87(2)(b) in the head, but could not articulate where on his head § 87(2)(b) was punched or how soon after they fell to the ground that PO Butler punched § 87(2)(b). PO Butler struck § 87(2)(b) in the head because he was moving his body and refusing to be handcuffed. PO Butler maintained that even after punching § 87(2)(b) he continued to move his body and resist being placed in handcuffs. PO Butler denied kicking § 87(2)(b) or using additional force besides the punch. Inspector McEvoy and Det. Paul denied punching or hitting § 87(2)(b) while he was on the ground, and maintained that the only physical contact they had with § 87(2)(b) at that point was assisting in handcuffing him and escorting him to the vehicle.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date